

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

COURTNEY G.,

Plaintiff,

vs.

**8:21-CV-65
(TJM/DEP)**

**KILOLO KIJAKAZI, Acting Commissioner
of Social Security,**

Defendant.

**Thomas J. McAvoy,
Sr. U.S. District Judge**

DECISION & ORDER

The Court referred this Complaint, which Plaintiff brought pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3) to challenge the Commissioner of Social Security's denial of her applications for disability insurance ("DIB") and supplemental security income ("SSI") benefits, to Magistrate Judge David E. Peebles for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). Plaintiff alleges that the Commissioner failed to follow the relevant legal standards and lacked substantial evidence for denying her applications.

Judge Peebles' Report-Recommendation, dkt. # 21, issued September 1, 2022, recommends that the Court grant the Plaintiff's motion for judgment on the pleadings and deny the Commissioner's motion for judgment on the pleadings. He further recommends that the Court remand the case to the Social Security Administrative Law Judge ("ALJ") for

further proceedings. He also recommends that the Court deny the Plaintiff's request to reassign the case to a different ALJ upon remand.

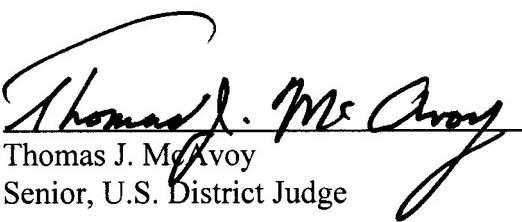
No party objected to the Report-Recommendation. The time for such objections has passed. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice and the Court will accept and adopt the Report-Recommendation for the reasons stated therein.

Accordingly,

The Report-Recommendation of Magistrate Judge Peebles, dkt. # 21, is hereby **ACCEPTED** and **ADOPTED**. The Plaintiff's motion for judgment on the pleadings, dkt. # 13, is hereby GRANTED. Defendant's motion for judgment on the pleadings, dkt. # 14, is hereby DENIED. The Commissioner's decision is hereby VACATED, and this matter is remanded to the Commissioner for further proceedings consistent with the findings of Judge Peebles' Report-Recommendation. The Court declines to recommend reassignment to a different ALJ.

IT IS SO ORDERED.

Dated: September 27, 2022



Thomas J. McAvoy
Senior, U.S. District Judge